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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,890	11/12/1999	TAKESHI SUZUKI	P/3541-3	2252
7590	02/09/2005		EXAMINER	
OSTROLENK FABER GERB & SOFFEN LLP 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			CHUNG, DANIEL J	
			ART UNIT	PAPER NUMBER
			2672	
DATE MAILED: 02/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/439,890	SUZUKI, TAKESHI
	Examiner Daniel J Chung	Art Unit 2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 September 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 12-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11-10-04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

Claims 12-15 are presented for examination. Claims 1-11 have been cancelled and claims 12-15 have been added by the amendment filed on 9-23-2004. This office action is in response to the amendment filed on 9-23-2004.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tagami et al (5,402,171) in view of Umemoto (5,838,457).

Regarding claim 12, Tagami et al discloses that the claimed feature of an electronic camera [i.e. "camera"; 50] comprising: a recording medium [i.e. "memory card"; 51] removable from the camera, in which a plurality of image data are recorded (See Fig 49, Fig 72); a display panel [i.e. "LCD panel on the camera body"] configured to display image data selected from the recording medium (See col 27 line 41); an image discrimination circuit configured to judge whether the image data represents a panoramic image ["image with mark "P"] or not [i.e. "At the time of reading data from the memory card, the reproducing section of the electronic camera reads image control"]

data from the memory card which indicates whether the image data is an ordinary image or a panorama image" See col 27 line 8-13, col 27 line 38-45); a display mode setting circuit configured to set a display mode [i.e. "normal imaging mode", "panorama mode"] based on the result of discrimination by the image discrimination circuit (See col 27 line 38-45), and a display circuit configured to cause the selected image data to be displayed on the display panel according to the display mode set in the display mode setting circuit, wherein when the selected image data is judged as representing a panoramic image [i.e. image with mark "P"] by the image discrimination circuit, the display mode setting circuit sets a panoramic display mode [i.e. "panorama mode"], and scrolls and displays [See images in Fig 62, Fig 63] on the display panel the selected panoramic image by [See image in Fig 61] controlling the display circuit, in accordance with an operation of an frame advance button [i.e. 53] (See Fig 61-63)

Tagami et al does not specifically disclose that utilizing an aspect ration of an image data to indicate whether the image data is an ordinary image or a panorama image. However, such limitation is shown in the teaching of Umemoto. [i.e. "panoramic photograph having an aspect ratio different from that of the standard size...the controller detects inclusion of such panoramic photograph in the film based on aspect ratios of image information stored at the image information memory...a letter 'P' indicating a panoramic photograph...]" (See col 9 line 59-col 10 line 29; e.g. [31] in Fig 3) it would have been obvious to one skilled in the art to incorporate the teaching of Umemoto into the teaching of Tagami et al, in order to effectively represent the different

display format to user thereby displaying such image with optimized manner, as such improvement is also advantageously desirable in the teaching of Tagami et al for processing the image data with proper display mode. (note: panoramic images of both references are represented in same way [i.e. mark "P"])

Regarding claim 13, Tagami et al discloses that the display circuit has a circuit configured to perform a superimposed display to show which portion of a panoramic image is displayed in the display panel, when the panoramic display mode is set. (See Fig 50, Fig 60, Fig 68)

Regarding claim 14, claim 14 is similar in scope to the claim 12, and thus the rejection to claim 12 hereinabove is also applicable to claim 14.

Regarding claim 15, claim 15 is similar in scope to the claim 13, and thus the rejection to claim 13 hereinabove is also applicable to claim 15.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (703) 305-4713.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

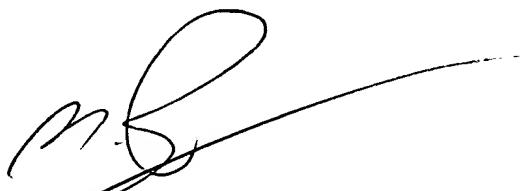
**or faxed to:**

**(703) 872-9306 (Central fax)**  
**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc  
January 25, 2005



MICHAEL RAZAVI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600